

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ANDREA M. WIKE,

Counter Defendant

vs.

**FRANCIS E. YOUNES, individual capacity;
and TERAH YOUNES, individual capacity;**

Counter Plaintiffs.

8:23CV397

ORDER

This matter is before the Court on Plaintiff's Motion for Leave to File Second Amended Complaint with Constitutional Objection to Judicial Barrier to Redress (Filing No. 95). Plaintiff seeks to file a Second Amended Complaint containing essentially the same claims arising out of the same facts contained in her previous pleadings and dismissed by the Court. See Filing No. 64. As the Court explained, although a court "should freely give leave [to amend] when justice so requires," Fed. R. Civ. P. 15(a)(2), plaintiffs do not enjoy "an absolute or automatic right to amend" a deficient complaint. *United States ex rel. Lee v. Fairview Health Sys.*, 413 F.3d 748, 749 (8th Cir. 2005). Plaintiff has been granted leave to file an amended pleading, which the Court already dismissed for failure to state a claim. "That, in conjunction with the two previously dismissed suits referenced above, leads the Court to conclude that further amendments would be futile." (Filing No. 64 at p. 7). Plaintiff's proposed amended pleading does not identify any new facts or reasons justifying an amendment. Accordingly,

IT IS ORDERED: Plaintiff's Motion for Leave to File Second Amended Complaint with Constitutional Objection to Judicial Barrier to Redress (Filing No. 95) is denied.

Dated this 12th day of May, 2025.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge